

3 April 2012

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Lieutenant Colonel Reginald Hairston  
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Subj: ADMINISTRATIVE SEPARATION OF SGT GARY STEIN

Dear LtCol Hairston,

Having had the opportunity to discuss Sgt Stein's case with his attorneys and after reviewing the evidence against him I wish to express my concerns about the pending administrative separation board.

... I served in the United States Marine Corps from 1970 to 1998 as an enlisted Marine, attaining the rank of staff sergeant. In 1980 I accepted a commission and retired in the grade of major in 1998. During my time of service I served as an infantry platoon sergeant with Company F 2/9, an infantry platoon commander and 81 mm Mortar Platoon Commander in Weapons Company 1/6, Company Commander, Ground Defense Force, Guantanamo Bay, Cuba, Executive Officer, Recruiting Station Phoenix, Arizona, Commanding Officer, Company F 2/9 and Assistant for Enlisted Recruiting, First Marine Corps District, the CO of Recruiting Station Harrisburg PA and Western New England, Base Inspector, Marine Corps Logistics Base, Barstow, California. I also served 6 tours as a small unit infantry adviser with the United States Southern Command.

In my 28 years as an enlisted Marine in both the regular and reserve components of the Marine Corps and as an Infantry Officer in the Regular Marine Corps I heard numerous people of all ranks make negative off the cuff remarks behind closed doors about several different presidents. My Career started during the presidency of President Richard Nixon and ended during the presidency of President Bill Clinton. Both gentlemen had their difficulties in office and many were quick to be critical. In most cases those remarks, made in a spirited discussions among peers, did not undercut good order and discipline so long as the Marine was willing to put aside his disagreements the next day and follow the orders that were given to him. One particular circumstance comes to mind involving controversial decisions made at the National Command Authority level that had a direct impact on my command and created a potential for discontent was the decision during the Clinton Administration to implement the "don't ask, don't tell" policy as it applied to gay service members. I was the Commanding Officer of a recruiting station spanning 5 Northeastern states and supervised 54 production recruiters and two Officer Selection Teams. My recruiters and Officer Selection Officers faced increasing resistance to military recruiting activities on High School and College campuses and had to walk a tight rope of potential conflict with educators and the public as a whole. Many of my recruiters felt morally offended by the policy and were convinced that the decision, although lawful, was not in the best interest of the Marine Corps and national security. My challenge as a commander was to explain the policy, explain the legitimacy of the policy, and provide my Marines and Sailors with effective tactics to avoid conflicts with the civilian world and execute their duties in a professional manner. The bottom line was that we had to continue to execute our mission, albeit under new conditions, or make the choice to leave the service. Most of my Marines pressed on in a professional manner, and some needed more guidance and supervision, but we all made the turn and continued to make mission. I found that leadership by example was the most powerful force in getting my Marines and Sailors to change their attitude. I must note that I made an special effort to keep the staffs from my higher headquarters, both district and region, out of my AOR during this time because those officers did not react professionally to this policy change. Because my station was a powerhouse, they left me alone. I did not need my superiors undercutting my efforts to implement a contentious policy. I was blessed with a Command Group well

EXHIBIT B

suited for tough challenges and they rose to the occasion.

Sgt Stein's conduct, while unprofessional and impermissible, is not serious misconduct. In my experience as a company commander, recruiting station commander, and Base Inspector, any time we separated a Marine for serious offense it involved a crime of violence or an outright refusal to perform his duties. Merely speaking words (words which are 100% legal in the civilian world) is not a serious offense..I do not see any effort on the part of Sgt Stein to convince any other service member within his chain of command to subvert the authority of his command or to foment disobedience of orders or regulations by another member of his chain of command. Nor do I see him refusing lawful orders. I must assume that he has not been placed in a situation where he has received what he perceives to be an unlawful order. We can only speculate on his actions in such a circumstance.

An administrative separation board is the wrong tool for this situation. I see no indication that Sgt Stein has refused to perform his duties. If Sgt Stein were one of my Marines I would give him a page 11 counseling entry for his remarks against the President. That counseling would detail the specific language, forum and circumstance that I deemed unprofessional. I would then order him to stop encouraging people to vote one way or the other, whether on his website or through interviews. Specific orders should be given and he should have the opportunity to discuss any specific issue with a command representative or legal adviser. It is not enough to just tell a sergeant to comply with a DOD Directive; its specific applications must be explained to him. If, after counseling and specific orders Sgt Stein continued to make similar comments or continued to campaign only then would I consider an administrative board. The Corps has too much invested in each Marine, and the Marine has too much invested in the Corps, to simply throw him out without an opportunity to correct himself..

As a recruiting station commander, executive officer, and district staff officer for eight years many of my best applicants were young men with strong political passions like Sgt Stein. If Sgt Stein and Marines like him are given other than honorable discharges it will severely damage our recruiting potential with some of our best young Americans. There will be many young NCOs with great potential who agree with Sgt Stein and when they hear of his story it will make that civilian job waiting on the outside all the more tempting...It absolutely sends the wrong message to Marines when one of their own is kicked out with an OTH for not correctly interpreting a DOD Directive. Somehow the officers who run afoul with their improper statements (Gen MacArthur, Gen McChrystal, the disrespectful officers of the Clinton years) are all allowed to retire, but an enlisted man is thrown out with an OTH four months before his EAS? I do not see the justice in a case where Commissioned Officers can with impunity violate the UCMJ, Article 88 Contempt Toward Officials, which states:

**Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Transportation, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present shall be punished as a court-martial may direct.**

I believe our military tradition specifically focuses the attention of this article on Commissioned Officers for two reasons. First, Commissioned Officers by the very nature of their duties exercise a span of control and influence over subordinates that would warrant such speech be precluded because it can disproportionately influence subordinates. Enlisted service members do not impose such a span of influence or control over their subordinates. Secondly, we have a military tradition built upon the concept of the citizen soldier. For much of our military history, citizens were called to service via conscription. I served in that military and witnessed the patriotism of young Americans who came when called, sacrificed and died for their country without ever a thought toward a military career, and award or a promotion. They served their time, accomplished their missions and I will state emphatically that they were as good as or better than we volunteers. They also voiced their opinions, and during the Viet Nam war, passions ran high. But they were loyal to the country when it counted and did what was expected of them.

In closing, let me state that from the position of a retiree of nearly 14 years and someone who has both an academic and active interest in the political issues of the day, the current climate is a challenge for those of us who have the perspective of many years and many miles under our belts. We have seen difficult times before, have fought unpopular wars, have had to figure out why one adversary or another hates us. Our political culture is in the best of times a full body contact sport. In difficult times, it can take on the pallor of a holy war. Through it all, it is leadership that counts. I count my blessings every day for the Officers who lead and inspired me as a young NCO. I must have the best run of blind luck in history in picking the Lieutenants and Captains who guided my early career. Those officers provided the guidance and example that inspired me to seek a commission. They also created the opportunity to do so. They also steered me away from the temptations and the dangers of the early 1970's. These officers were demanding task masters who loved their Marines. They pushed us to perform and built our confidence on our successes. They also did not shrink from the task of putting us back on the right track when we strayed. In the end, I learned that you either want to be a Marine or you don't. If you want to be a Marine, you fill the role. At times that role and the requirements of that role gets murky. At those times, leaders clear the waters and get us back on track. If I were to counsel Sgt Stein, I would start with that premise: you either want to be a Marine or you don't. Now let's figure out how to get you back in to the role of a professional Marine NCO.

Neil R. Ringlee